



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
805 Frontage Road  
Suite 200C  
Kenai, Alaska 99611-7755

PUBLIC NOTICE DATE: June 14, 2006  
EXPIRATION DATE: July 14, 2006  
REFERENCE NUMBER: POA-1965-45-R  
WATERWAY: Cook Inlet

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: ASRC Energy Services, 3900 C Street, Suite 701, Anchorage, Alaska 99503; 907-776-8441

LOCATION: Rig Tenders Dock at Mile 22.5 Kenai Spur Highway; Alaska Tidelands Survey 1557, E ½ NW ¼ Section 21, T. 7 N., R. 12 W., Seward Meridian; Kenai Peninsula Borough parcel number 014-020-12.

WORK: The proposed work is to dredge, using a crane, approximately 40,000 cubic yards (cy) of sand and gravel material from below the mean high water mark of Cook Inlet. The proposal would involve the dredging of material from a 600' long X 60' wide X 10' deep area on the western side of an existing dock, and a 440' long X 60' wide X 10' deep area along the southern side of the existing dock. The proposed project is to temporarily stockpile the dredged material on the existing dock and periodically discharge the material, as needed, into approximately 3-4 acres below the high tide line (HTL) of Cook Inlet, on the north side of the dock. In addition, the applicant is also requesting a 10-year maintenance dredging permit to conduct annual dredging of approximately 12,000 cy of sand and gravel from this site.

PURPOSE: The purpose of the proposed dredging project is to preserve the structural integrity of the dock and to maintain required water depths for loading and unloading of vessels. The purpose of the proposed discharge material below the HTL of Cook Inlet is to maintain the structural integrity of the applicant's existing sheet pile wall north of the dock and the dock fill.

ADDITIONAL INFORMATION: The proposed project is located at the old "Rig Tenders Dock" which was constructed over 40 years ago. A review of previous records indicates that the permit history of this site dates back to 1965.

The DA permit for the construction of this dock was issued (file number POA-1965-45) to Mr. Einer T. Meining and Mr. Henry Stohl on December 13, 1965. A permit to expand the dock was then issued to Rig Tenders, Inc. on June 10, 1966.

On September 26, 1975, an emergency permit modification was issued (file number POA-1965-45) to Rig Tenders, Inc., to conduct emergency dredging of approximately 5,000 cy of material from the southern end of the dock and the placement of the material at the northern end of the dock in order to protect the integrity of the authorized structure

On April 28, 1976, a DA permit was issued (POA-1965-45-N) to Rig Tenders, Inc., to "remove approximately 2,500 cubic yards of material and place fill material." A DA Permit Modification to this permit was authorized to Rig Tenders, Inc., on September 13, 1985 (file number POA-1965-45-O), to "dredge approximately 2,500 cubic yards of material from an area adjacent to the dock and place dredged material on the north side of the dock."

On August 20, 1993, a DA IP (file number POA-1965-45-P) was issued to Crowley Marine Services, Inc. to "conduct annual maintenance dredging of approximately 8,000 to 10,000 cubic yards of sand and gravel material from the southwest corner of the barge terminal dock (Rig Tenders Dock) and discharge the same dredged material onto the Cook Inlet Beach at the northeast dock corner (beach access road area) for a 10-year period. The periodic dredging will occur by crane equipment from the top of the dock, be temporarily stockpiled near the top of the beach access road (northeast dock corner), and be periodically discharged onto the beach, as necessary, for maintenance of the beach access road/ramp and the structural integrity of the sheetpile and fill dock."

On September 4, 1997, a DA Nationwide Permit (NWP) # 3 was verified (file number POA-1965-45-D) for Natchiq, Inc., to "conduct maintenance work on an existing dock" and construct a "sheet piling wall 4' out from the existing concrete wall and anchor the sheet piling with tie back rods. The 4' interspacial area between the existing and proposed walls would then be filled with pit run gravel from a local borrow site. The work would increase the docks footprint from 5.7 acres to 5.8 acres."

Finally, on April 13, 1999, a DA IP was issued to Natchiq - APC (1965-45-Q) to "install three bollards, three fender dolphins, and excavate 5,000 cubic yards of gravel to level the beach adjacent to the existing dock."

The applicants agent is Tom Mortensen Associates, P.O. Box 113192, Anchorage, Alaska 99511-3192; 907-345-3575.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is

otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public

interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Lisa M. Gibson at (907) 283-3519, if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

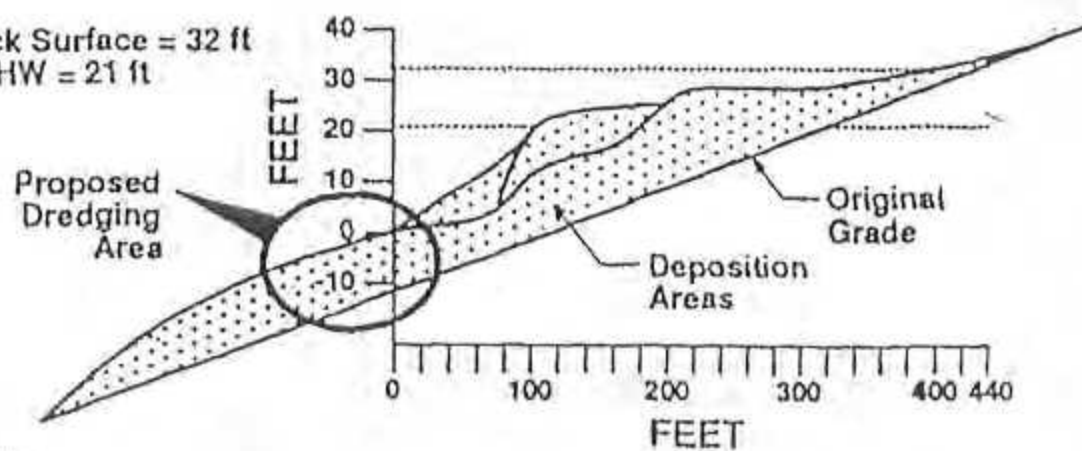
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

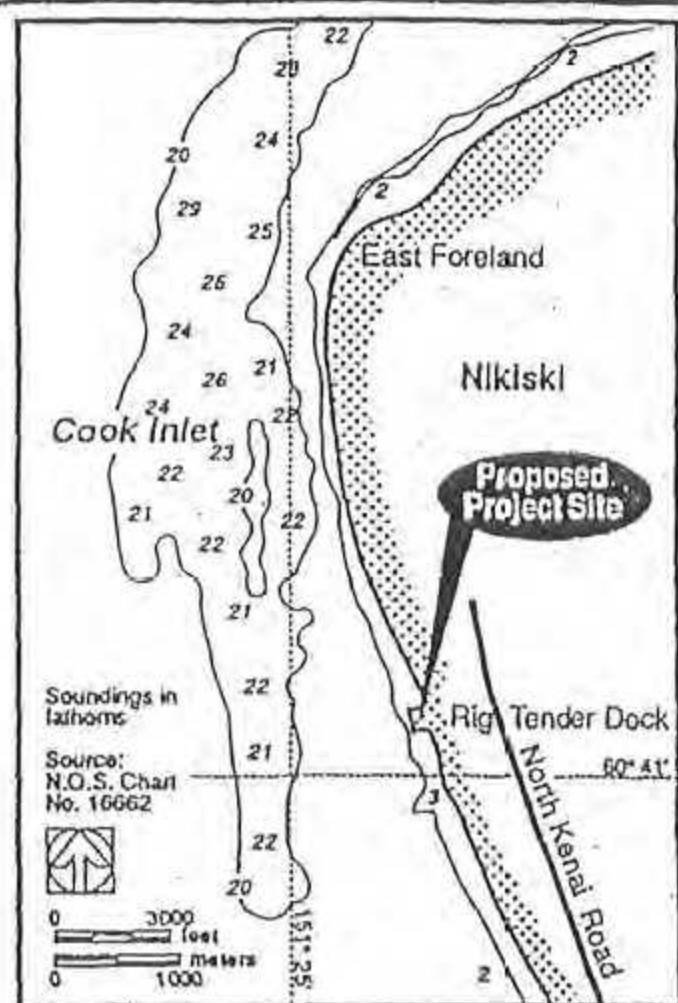
Dock Surface = 32 ft  
MHHW = 21 ft



**Note:**

The area proposed for dredging will extend approximately 60 ft out from the dock face and 1040 ft across. The depth to be dredged will be 10 ft or less as required to maintain a water depth of -10 ft.

Dredge area about 1.5 ac.



**Note:**

Application is for continuing maintenance dredging and fill. Material consists of coarse sand and gravel, estimated quantities are 8,000-10,000 cubic yards per year for 10 years.

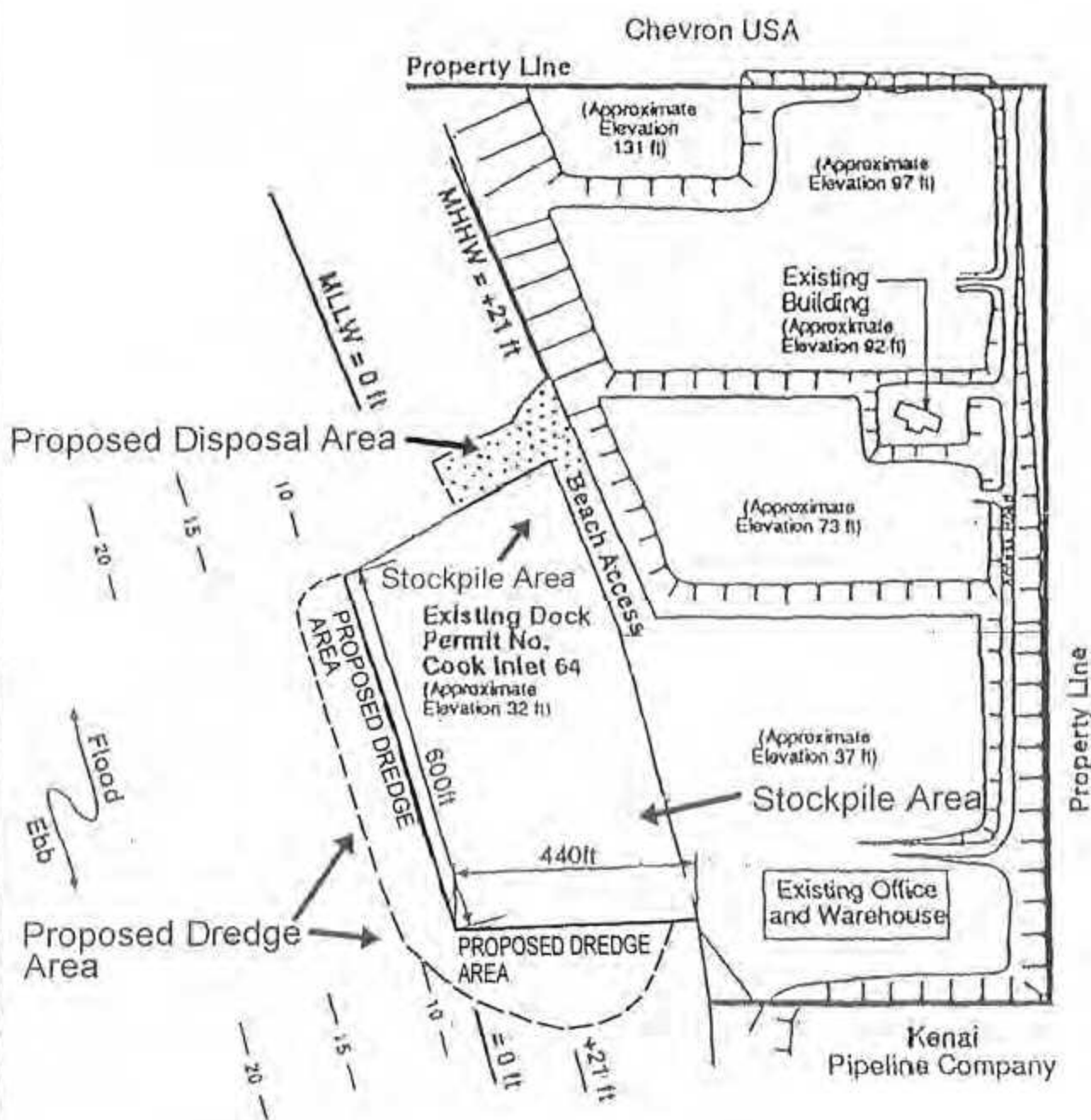
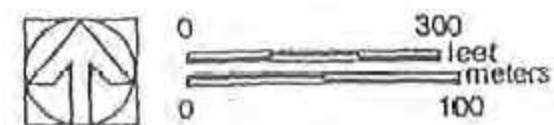
Purpose of project is to preserve structural integrity of the dock and to maintain required water depths for loading and unloading of vessels.

Material will be moved at low tide using a crane, loaders, and truck.

Water depths and land elevations are referred to MLLW = 0.0 (NOS); soundings show original depths before erosion and deposition.

Federal pier head lines have not been established in this area.

Material will be moved from area of deposition to area of erosion in order to maintain original bottom elevation.



**Purpose:**

Re-authorization of annual maintenance dredging at the Rig Tenders Dock, Nikiski, AK.  
Sheet 1 of 1, May 2006.

**Applicant:**

ASRC Energy Services  
3900 C Street, Suite 700  
Anchorage, Alaska 99503

Proposed maintenance dredging and fill in Cook Inlet approximately 10 miles north of Kenai, Alaska in Kenai Peninsula Borough. T7N R12W, Sec 21 S.

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1965-45-R, Cook Inlet, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.

**POA-1965-45-R, Cook Inlet,** will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.